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Coastal Zone Management Program

Discussion on Coastal Zone Management Program

The Coastal Zone Management Program is operated by the Department of Ecology. A certification by the Coastal Zone Management Program is required for U.S. Army Corps of Engineers' authorized projects and other federally licensed or permitted projects within designated coastal zone areas in 15 counties.

Unlike other certifications that are issued by the state, the project proponent prepares the Coastal Zone Certification, which includes a project description, a brief assessment of the impacts, and a statement that the project complies with the Coastal Zone Management Program. Ecology reviews the certification and the proposed project for consistency with state environmental requirements, including shoreline permits. If the project is consistent, Ecology concurs with the certification in writing. Ecology's shorelands program reviews shoreline permits for consistency and can provide information about a specific proposal.

Department staff should review notices of proposed projects or activities covered by the Coastal Zone Management Program. Region staff should be in contact with Ecology's Shorelands Program regional staff working on the Coastal Zone Management Program and the associated grant program.

Because federally-authorized projects need to be consistent with applicable state regulations under the Coastal Zone Management Plan, a comment period is provided. During this period, the department may request that a "hold" be placed on permits for projects which have unacceptable impacts on state-owned aquatic lands.

Commercial and industrial uses

RCW 79.90.465: Definitions.

(11) "Terminal" means a point of interchange between land and water carriers, such as a pier, wharf, or group of such, equipped with facilities for care and handling of cargo and/or passengers.

WAC 332-30-106 Definitions.

(10) "Commerce" means the exchange or buying and selling of goods and services. As it applies to aquatic land, commerce usually involves transport and a land/water interface.

WAC 332-30-118: Tidelands, shorelands and beds of navigable waters.

(4) Development of additional sites for waterborne commerce and terminal and transfer facilities will generally not be authorized on second class tidelands and shorelands if existing first class tidelands, shorelands and harbor areas can meet the need.

Discussion on commercial and industrial uses

Commercial and industrial uses of state-owned aquatic lands include major commercial terminals, cargo transfer facilities, ferry terminals and other passenger facilities, and shipyards conducting boat construction, repair and maintenance. Only those facilities which must be on the water are considered water-dependent. For example, areas for loading and unloading cargo from a boat are water-dependent, but areas for storing or processing that cargo generally are nonwater-

dependent. SEE ALSO: Water-dependent uses; Nonwater-dependent uses

Applications for commercial and industrial uses must be carefully evaluated by the department because of the higher than normal risk of sediment contamination, loss of habitat, and other adverse environmental impacts, as well as possible interference with navigation. In particular, the department must determine whether the proposal is likely to increase the state's risk of environmental or financial liability. SEE ALSO: Sediments; Environmental protection; Navigation.

Environmental concerns and conditions are generally more common with larger or more heavily industrialized uses. For example, the department must pay special attention to possible environmental impacts from petroleum loading and unloading facilities because of the potential hazards from both large spills and chronic small leaks.

All uses of state-owned aquatic lands which may cause adverse environmental impacts must include mitigation for the impacts. For commercial and industrial uses, it is especially important to discuss mitigation with the applicant early in the process as the proposal might require significant alteration, or even elimination, of some or all of the proposal which causes unacceptable impacts.

Environmental audits and assessments can be valuable tools for reviewing the impacts of commercial, industrial or transportation uses and other uses. While there are some precise regulatory definitions, in general an environmental audit and assessment should include review of historical and current use of the parcel to identify any possibility of contamination or other environmental concerns, and any need for on-site testing of structures, soils, or sediments. The goal is to identify environmental problems before they get worse so they can be addressed in the subsequent lease, to provide the state with a baseline for evaluating future environmental conditions on the property, and also to protect the applicant from inadvertently taking a property interest in

contaminated land. The department will establish more complete standards for environmental audits and assessments.

Leases for any facility which will use or store potentially toxic or hazardous substances must require that the facility plan of operation address pollution control – including a monitoring plan and a spill response plan – for all potential point and non-point source pollutants, as well as the best management practices for handling listed substances. A signed and dated copy of these plans must be included as part of the lease document. SEE ALSO: Use authorizations; Plan of operations.

Assuring clear routes for navigation is a special concern for commercial, industrial, and transportation uses because these uses often include the largest human-built structures in a bay. Such structures are usually carefully designed to provide ease of navigational access to that particular use. The department must ensure, however, that they also allow ample navigational access for other current or potential uses in or through the area. SEE ALSO: Navigation.

The department will routinely monitor existing docks and piers to assure that expansion has not occurred beyond the authorized areas, paying particular attention to the outer harbor lines. SEE ALSO: Harbor areas.

Condominiumization

SEE: Marinas and moorage facilities.

Cultural resources

SEE: Archeological resources.